



MEMORANDUM

107.07-17A MIAMI-DADE/GSA-MAT. MGT.

Agenda Item No. 7(R)(1)(B)

TO: Honorable Chairperson Barbara Carey-Shuler Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Release of Easements Not Needed
by Miami-Dade County for Water
or Sewer Facilities

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the attached resolution authorizing the execution of a Release of Easements for easements granted in 1970 to REX UTILITIES, Inc., predecessor to Miami-Dade Water and Sewer Department. No water or sewer lines currently exist in these easements or are encompassed by additional easements. The Miami-Dade Water and Sewer Department (Department) does not desire to maintain these easements at this location.

BACKGROUND

On September 1, 1970 and November 20, 1970 the owner of two parcels of land located in Miami-Dade County, Florida, executed easements in favor of REX UTILITIES, Inc. Said easements were recorded in Official Records Book 6974 Page 282 and Official Records Book 7017 Page 281, respectively, in the Public Records of Miami-Dade County, Florida. The easements, located along theoretical S.W. 336 Street and east of theoretical S.W. 162 Avenue, granted REX UTILITIES, Inc., the right to install and maintain water or sewer mains. The water facilities in these easements have been relocated or are encompassed by additional easements in favor of Miami-Dade County. The Department, as successor in interest, indicated they have no further interest in holding these easements and has agreed to release them. The execution of the Release of Easements will enable the landowner to remove this encumbrance from the title to the property.

Therefore it is respectfully requested that the attached resolution and Release of Easements be approved.

Assistant County Manager

PEDRO G. HERNANDEZ



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(R)(1)(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(R)(1)(B)
12-4-03

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A RELEASE
OF EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK
6974, PAGE 282 AND IN OFFICIAL RECORDS BOOK
7017, PAGE 281, WHICH ARE NOT NEEDED BY MIAMI-
DADE COUNTY FOR WATER OR SEWER FACILITIES

WHEREAS, this Board desires to accomplish the purposes
outlined in the accompanying memorandum, a copy of which is
incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby
approves execution of a Release of Easements for two certain
easement granted to the REX UTILITIES, Inc. on September 1, 1970,
recorded in Official Records Book 6974, Page 282 and November 20,
1970 and recorded in Official Records Book 7017, Page 281, all in
the Public Records of Miami-Dade County, Florida, which said
easements are not needed by Miami-Dade County for water or sewer
facilities, in substantially the form attached hereto and made a
part hereof; and authorizes the County Manager to execute same for
and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



Henry N. Gillman

By: _____
Deputy Clerk

This Instrument Prepared by:
Robert J. Battillo
Miami-Dade Water And Sewer Department
P.O. Box 330316
Miami, Fl. 33233-0316

PARTIAL RELEASE OF EASEMENTS

MIAMI_DADE COUNTY ("County") hereby releases of record and disclaims any interest it may have in the Grant of Easement dated November 20, 1970, and recorded in Official Records Book 7017 at Page 281 and in the Grant of Easement dated September 1, 1970, and recorded in Official Records Book 6974 at Page 282 all of the Public Records of Miami-Dade County, Florida, said easements being more particularly described as follows, to wit:

See Exhibit "A1" attached hereto.

Notwithstanding, Miami-Dade County, by this Partial Release of Easement, retains and specifically does not release or disclaim any interest or rights that it may have in the remainder of the real property legally described in the Grant of Easement referred to above.

IN WITNESS WHEREOF, Miami-Dade County has caused this Partial Release of Easement to be executed and delivered on this ____ day of _____, 2003.

Attested to:
Harvey Ruvin, Clerk

MIAMI-DADE COUNTY

By: _____
Deputy Clerk

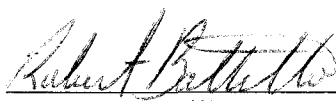
By: _____
County Manager

Approved as to form and
legal sufficiency:

Accuracy of legal description verified by:

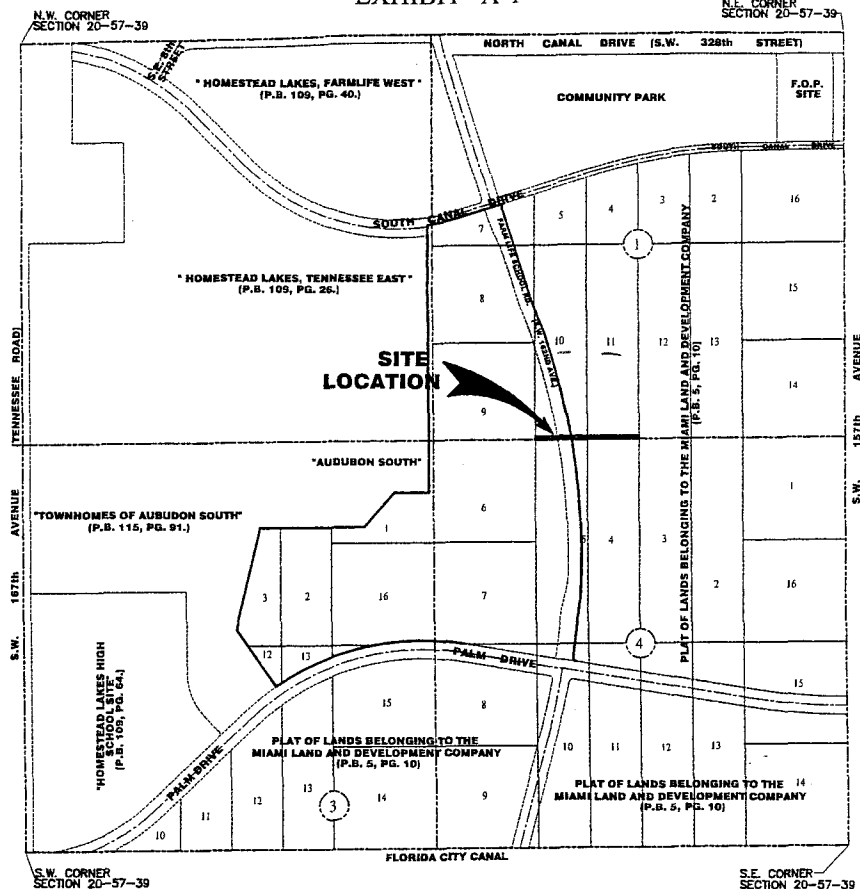


Assistant County Attorney



Robert J. Battillo, P.S.M.
Right of Way Surveyor

EXHIBIT "A-1"



LOCATION MAP
SECTION 20-57-39
CITY OF HOMESTEAD
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

SURVEYOR'S NOTES:

- 1) -This is not a Boundary Survey, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) -Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- 3) -There may be additional Restrictions not shown on this Sketch & Legal that may be found in the Public Records of this County, Examination of ABSTRACT OF TITLE will be made to determine recorded instruments, if any affecting this property.
- 4) -North arrow direction and Bearings shown hereon are based on an assumed value N89°26'43"E, along the South Line of the Northeast 1/4 of Section 20-57-39.
- 5) -The Sketch and Legal Description shown herein is based on the information provided by the Client.
- 6) -No title research has been performed to determine if there are any conflict existing or arising out of the creation of the easements, Right of Ways, Parcel Descriptions, or any other type of encumbrances that the herein described legal may be utilizes for.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon. I further certify that this sketch was prepared in accordance with the applicable provisions of Chapter 61G17-6, Florida Administrative Code.

Ford, Armenteros & Manucy, Inc. L.B.6557

Date: March 18, 2003

Revision: MAY 13, 2003

Revision: JUNE 4, 2003.

Ricardo Rodríguez, P.S.M., For the Firm
Professional Surveyor and Mapper
State of Florida, Registration No.5936

KEYS LANDING - WASA EASEMENT RELEASE



FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	LOCATION MAP, SURVEYOR'S NOTES		
PREPARED FOR:	SHORES DEVELOPMENT, INC.		
DRAWN BY:	R. RODRIGUEZ	DATE:	MARCH 18, 2003
DWG. CHECKED BY:	ML	SCALE:	N/A
CHECKED BY:	ML	PROJECT No:	00-232-1013
			SHEET: 1
			OF 3 SHEETS

EXHIBIT "A-1"

LEGAL DESCRIPTION:

That portion of a 4.00 feet Water and Sewer Easement and a portion of a 20.00 feet ingress and egress easement as described in Official Records Book 7017, at Page 281, and Official Records Book 6974, at Page 282 of the Public Records of Miami-Dade County, Florida, situated, being and lying within the South 20.00 feet of Tracts 10 and 11, in Block 1, of "MIAMI LAND AND DEVELOPMENT COMPANY SUBDIVISION", in Section 20, Township 57 South, Range 39 East, Miami-Dade County, Florida, according to the plat thereof, as recorded in Plat Book 5, at Page 10 of the Public Records of Miami-Dade County, Florida.

All of the above described land situated, lying and being in The City of Homestead, Miami-Dade County, Florida, and containing 13,556.92 Square Feet and/or 0.31 Acres more or less.

KEYS LANDING - WASA EASEMENT RELEASE



FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

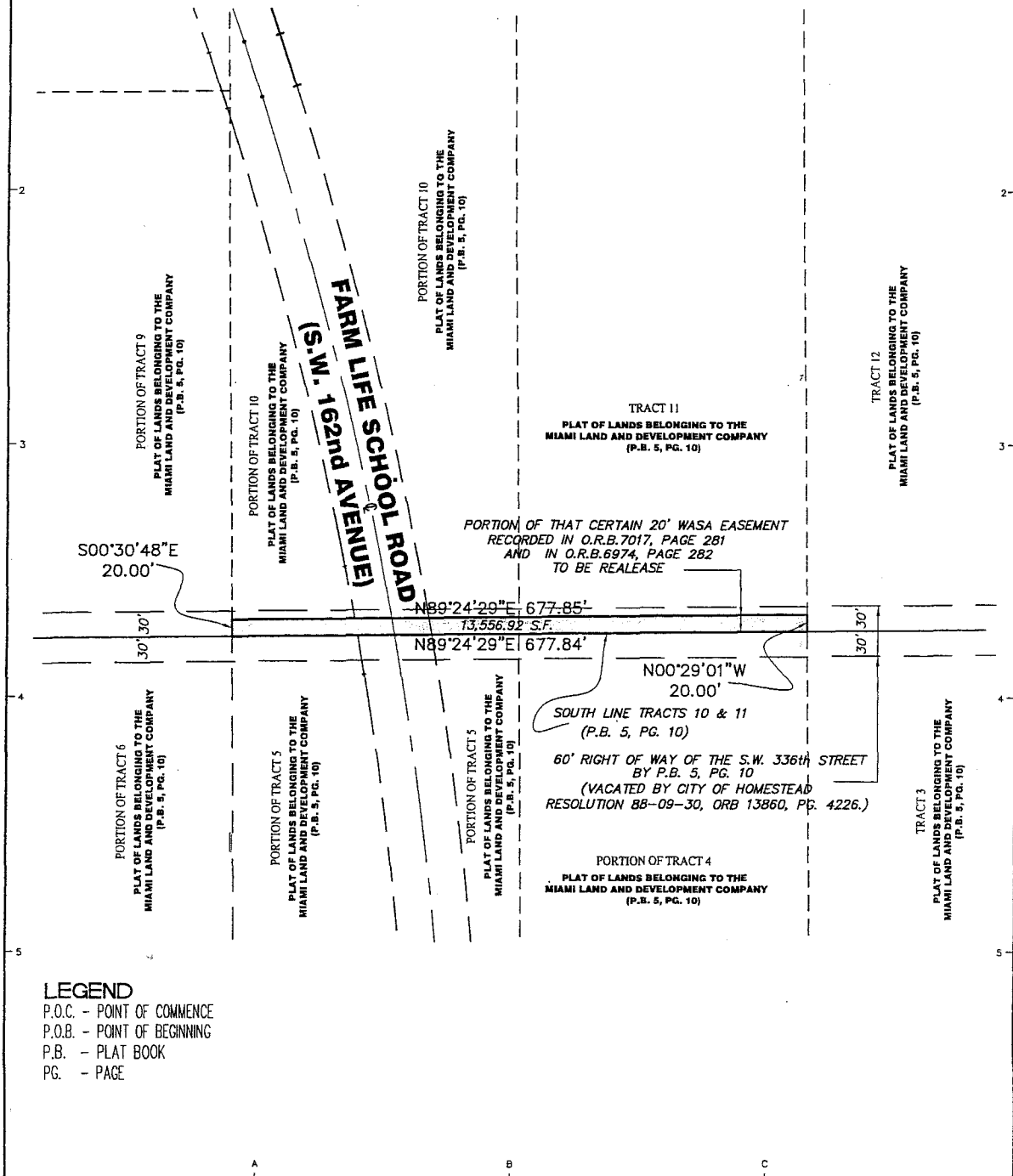
TYPE OF PROJECT: SKETCH AND LEGAL DESCRIPTION		SHEET: 2 OF 3 SHEETS
SHEET NAME: LEGAL DESCRIPTION TO ACCOMPANY SKETCH		
PREPARED FOR: SHORES DEVELOPMENT, INC.		
DRAWN BY: R. RODRIGUEZ	DATE: MARCH 18, 2003	
DWG. CHECKED BY:	SCALE: N/A	
CHECKED BY:	PROJECT No: 00-232-1013	

EXHIBIT "A-1"

GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.



LEGEND

P.O.C. - POINT OF COMMENCE
P.O.B. - POINT OF BEGINNING
P.B. - PLAT BOOK
PG. - PAGE

KEYS LANDING - WASA EASEMENT RELEASE



FORD, ARMENTEROS & MANUCY, INC.
1950 N.W. 94th AVENUE, 2nd FLOOR
MIAMI, FLORIDA 33172
PH. (305) 477-6472
FAX (305) 470-2805

TYPE OF PROJECT:	SKETCH AND LEGAL DESCRIPTION		
SHEET NAME:	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PREPARED FOR:	SHORES DEVELOPMENT, INC.		
DRAWN BY:	R. RODRIGUEZ	DATE:	MARCH 18, 2003
DWG. CHECKED BY:		SCALE:	1" = 150'
CHECKED BY:		PROJECT No:	00-232-1013
			SHEET: 3
			OF 3 SHEETS

8

70R-163540

(6)

6974-282 2 additional
Easements
SW 336 St.

70R-163540 70 SEP 15 PM 1 53 PM Instrument was prepared by
George H. Salley
100 Biscayne Tower
Miami, Florida

6974-282

55

EASEMENT

EASEMENT, dated September 1, 1970, from
CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, a Connecticut
corporation, (herein "Grantors"), parties of the first part, to
REX UTILITIES, INC., a Florida corporation, (herein "Utility"),
party of the second part.

WHEREAS, the Grantors own the following described parcel
of real estate situate in Dade County, Florida:

Lot 11, Block 1, Section 20, Township 57
South, Range 39 East, Miami Land and
Development Company Subdivision as recorded
in Plat Book 5, Page 10, Dade County, Florida.

and the Utility has a water plant and distribution system (herein
"Water System") in the vicinity thereof, and

WHEREAS, for the purpose of extending the Water System to
serve property other than said parcel the Utility has applied to
the Grantors for the easement and right-of-way granted hereby:

NOW, THEREFORE, This Indenture, WITNESSETH, That in
consideration of the premises and of \$1.00 and other good and
valuable consideration in hand paid by the Utility to the Grantors,
receipt of which is hereby acknowledged, the Grantors do hereby
grant, bargain and sell unto the Utility, its successors and assigns,
the exclusive right, privilege, license, easement and right-of-
way to lay, install, use, maintain, repair and renew an underground
water transmission pipe or main in, under and through the North four
feet of the South twenty feet of said parcel, together with a non-
exclusive right of ingress and egress for such purposes throughout
the South twenty feet of said parcel.

TO HAVE AND TO HOLD the same to the Utility, its successors
and assigns, forever.

This easement to lay, install, use, maintain, repair and
renew an underground water transmission pipe or mains is exclusive
in the Utility, its successors and assigns, but nothing herein shall

6.22

limit or prevent the use of all or any part of said South twenty feet by the Grantors and their heirs and assigns for other purposes, nor shall anything herein prevent or preclude the Grantors and their heirs and assigns from dedicating all or any part of said South twenty feet as a public road, street, highway or other public place, or from using or granting to others the use of, said South twenty feet for the construction, extension, operation and maintenance of the facilities of systems furnishing gas, telephone, electric, transportation or other public service of any nature including water service.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

CONNECTICUT MUTUAL LIFE INSURANCE CO.

James C. Blair
James C. Blair

By Harold C. Blair
Vice President, Secretary
Attest James C. Blair
James C. Blair, Secretary

STATE OF CONNECTICUT
COUNTY OF HARTFORD

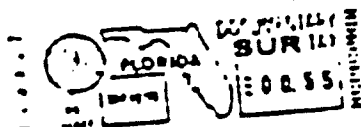
James C. Blair

BEFORE ME, the undersigned authority, personally appeared Harold C. Blair and James C. Blair known to me to be Vice President and Secretary, respectively, of CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, and who as such officers acknowledged before me that they executed said agreement as such officers for and on behalf of said Corporation, freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of October, 1970.

Edith E. Root
Notary Public Edith E. Root

My Commission Expires April 1, 1972.



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החלטה 100 70 DEC 2 AM 9:20

7017-251

ELEMENT

ASSIGNMENT, dated November 20, 1970, from
CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, a Connecticut corporation,
(herein "Grantors"), parties of the first part, to REX UTILITIES,
INC., a Florida corporation, (herein "Utility"), party of the
second part.

WHEREAS, the Grantors own the following described parcel of real estate situate in Dade County, Florida:

Lot 10, Block 1, Section 20, Township 37 South,
Range 39 East, Miami Land and Development
Company Subdivision as recorded in Plat Book 5,
Page 10, Dade County, Florida.

and the Utility has a water plant and distribution system (herein "Water System") in the vicinity thereof, and

WHEREAS, for the purpose of extending the Water System to serve property other than said parcel the Utility has applied to the Grantors for the easement and right-of-way granted hereby:

NOV, THEREFORE, This Indenture, W I T N E S S E T H,

That in consideration of the premises and of \$1.00 and other good and valuable consideration in hand paid by the Utility to the Grantors, receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain and sell unto the Utility, its successors and assigns, the exclusive right, privilege, license, easement and right-of-way to lay, install, use, maintain, repair and renew an underground water transmission pipe or main in, under and through the North four feet of the South twenty feet of said parcel, together with a nonexclusive right of ingress and egress for such purposes throughout the South twenty feet of said parcel.

TO HAVE AND TO HOLD the same to the Utility, its successors and assigns, forever.

This easement to lay, install, use, maintain, repair and renew an underground water transmission pipe or mains is exclusive in the Utility, its successors and assigns, but nothing herein shall limit or prevent the use of all or any part of said South twenty feet by the Grantors and their heirs and assigns for other purposes, nor shall anything herein prevent or preclude the Grantors and their

This instrument was prepared by
George N. Salley
100 Biscayne Tower
Miami, Florida

STATE OF FLORIDA
DOCU. STAMP TAX
CONTROLLER
PAID BY MC-718
1957
00.30

6.00

7017-252

heirs and assigns from dedicating all or any part of said South twenty feet as a public road, street, highway or other public place, or from using or granting to others the use of, said South twenty feet for the construction, extension, operation and maintenance of the facilities of systems furnishing gas, telephone, electric, transportation or other public service of any nature including water service.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

CONNECTICUT MUTUAL LIFE INSURANCE CO.

Louise Q. Borawski
Louise Q. Borawski
Helen L. Newcomb
Helen L. Newcomb

By Gaylord C. Veir
Vice President, Securities
Attest Raymond H. Johnson (seal)
Raymond H. Johnson, Secretary

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss:

BEFORE ME, the undersigned authority, personally appeared Gaylord C. Veir and Raymond H. Johnson known to me to be Vice President, Securities and Secretary, respectively, of CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, and who as such officers acknowledged before me that they executed said Agreement as such officers for and on behalf of said Corporation, freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of November, 1970.

Keith B. Book
Notary Public - Keith B. Book



RECORDED IN OFFICIAL RECORDS BOOK
OF HART COUNTY, FLORIDA
RECORDING NUMBER
E. B. LEATHERMAN
CLERK HART COUNTY
BY Book